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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,262	08/24/2001	Benjamin P Milner	36-1470	2246
23117	7590	08/19/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			LE, BRIAN Q	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,262

Applicant(s)

MILNER, BENJAMIN P

Examiner

Brian Q. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
4a) Of the above claim(s) 1-3 and 5-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

1. Newly submitted claims 5-16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 4, drawn to a system for analyzing signals from a moving handheld device sampling signals at a predetermined rate, passing signals by a bandpass filter to remove dc level and high frequency components, sampling filtered output to provide series of vectors to represent position of the handheld device at periodic intervals and to classify sample sets with predetermined templates classified in class 382, subclass 313.

II. Claims 2-3, and 5-14 drawn to a handwriting recognition system comprises accelerometer to detect acceleration of the stylus with respect to gravitation pull in X-axis and Y-Axis in combination with signal sampler and bandpass filter, classified in class 382, subclass 188.

III. Claims 15-16 drawn to a method and apparatus to process accelerometer signals from a handheld movable electronic writing device comprises a bandpass filter to process accelerometer signals by reducing dc components caused by gravity and high frequency components caused by operator instability; and further analyzing recognition structure to determine writing output, classified in class 382, subclass 314.

Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the

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subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the broadest combination independent claim 4 does not required the specific recited in the broadest subcombination claims 5, 7, and 15-16. The subcombination has separate utility such as handwriting recognition system and accelerometer signals processing of a handheld movable electronic writing device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 5-16 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment and Arguments

3. Applicant's amendment filed February 23, 2005, has been entered and made of record.

4. Applicant's arguments, see "Remarks", filed 02/23/2005, with respect to claim 4 have been fully considered and are persuasive. The rejection of claim 4 has been withdrawn.

5. This application is in condition for allowance except for the following formal matters:

The existence of claims 5-16 directed to a non-elected groups of the invention. The Applicant should cancel these claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

6. Claim 4 is allowed.

REASON FOR ALLOWANCE

7. The Applicant claimed (**in a subsequent order**) a method of analyzing signals for a moving handheld device which comprises passing signals through a bandpass filter to remove dc level and high frequency components, sampling the filtered output to provide a series of vector representing the position of the handheld device at periodic intervals; and using a classifier to compare the sample sets with predetermined templates to determine the character for output. The prior art of records do not show “sampling the filtered output to provide a series of vectors representing the position of the handheld device **at periodic intervals**”. Thus, there is no motivation to combine the step of classification to compare the sample sets with predetermined templates to determine the character for output and bandpass filter to remove dc level and high frequency components.

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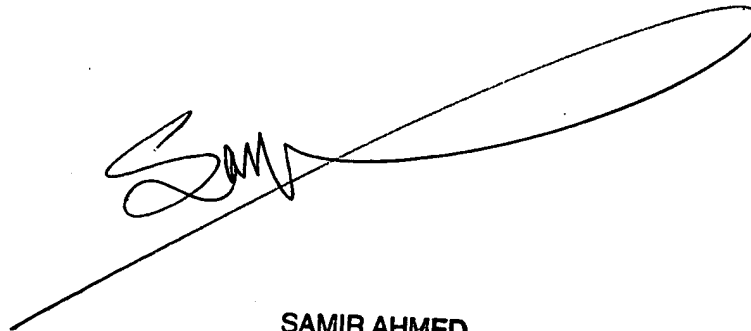
Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 571-272-7414. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL
August 9, 2005

A handwritten signature in black ink, appearing to read 'Samir', with a long, sweeping horizontal line extending to the right.

**SAMIR AHMED
PRIMARY EXAMINER**